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VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

October 8, 2014

James Crompton, General Manager
Giannina Espinoza, Environmental Specialist
Tamco
12459 B Arrow Route
Rancho Cucamonga, CA 91739

Re: Notice of Violations and Intent to File Suit Under the Federal Water Pollution Control Act

Dear Mr. Crompton and Ms. Espinoza:

I am writing on behalf of the Center for Community Action and Environmental Justice ("CCAEJ") in regard to violations of the Clean Water Act ("Act") that CCAEJ believes are occurring at Tamco's industrial facility, located at 12459 B Arrow Route in Rancho Cucamonga, California ("Facility"). CCAEJ is a non-profit public benefit corporation dedicated to working with communities to advocate for environmental justice and pollution prevention. CCAEJ has members living in the community adjacent to the Facility and the Santa Ana River Watershed. CCAEJ and its members are deeply concerned with protecting the environment in and around their communities, including the Santa Ana River Watershed. This letter is being sent to you as the responsible owners, officers, or operators of the Facility (all recipients are hereinafter collectively referred to as "Tamco").

This letter addresses Tamco's unlawful discharge of pollutants from the Facility through Day Creek into the Santa Ana River. The Facility is discharging storm water pursuant to National Pollutant Discharge Elimination System ("NPDES") Permit No. CA S000001, State Water Resources Control Board ("State Board") Order No. 92-12-DWQ as amended by Order No. 97-03-DWQ (hereinafter "General Permit").[1] The WDID identification number for the

[1] On April 1, 2014, the State Board reissued the General Permit, continuing its mandate that industrial facilities implement the best available technology economically achievable ("BAT") and best conventional pollutant control technology ("BCT") and, in addition, establishing numeric action levels mandating additional pollution control efforts. State Board Order 2014-

Facility listed on documents submitted to the Santa Ana Regional Water Quality Control Board ("Regional Board") is 8 36I002257. The Facility is engaged in ongoing violations of the substantive and procedural requirements of the General Permit.

Section 505(b) of the Clean Water Act requires a citizen to give notice of intent to file suit sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Act (33 U.S.C. § 1365(a)). Notice must be given to the alleged violator, the U.S. Environmental Protection Agency ("EPA") and the State in which the violations occur.

As required by the Clean Water Act, this Notice of Violation and Intent to File Suit provides notice of the violations that have occurred, and continue to occur, at the Facility. Consequently, Tamco is hereby placed on formal notice by CCAEJ that, after the expiration of sixty days from the date of this Notice of Violations and Intent to Sue, CCAEJ intends to file suit in federal court against Tamco under Section 505(a) of the Clean Water Act (33 U.S.C. § 1365(a)), for violations of the Clean Water Act and the General Permit. These violations are described more extensively below.

I. Background.

On March 31, 1992, the State Board approved Tamco's Notice of Intent to Comply With the Terms of the General Permit to Discharge Storm Water Associated with Industrial Activity ("NOI"). In its NOI, Tamco has certified that the Facility is classified under SIC Code 3312 (steel works). The Facility discharges storm water from its 60-acre industrial site through at least three storm water outfalls. On information and belief, CCAEJ alleges that Tamco's industrial activities at the site include the operation of a steel mini-mill which recycles ferrous scrap metals into concrete reinforcing bars ("rebar"). CCAEJ is informed and believes that all storm water discharged from the site is associated with industrial activity or, alternatively, includes commingled storm water from both industrial and non-industrial activity. The outfalls discharge into San Bernardino County's municipal storm sewer system, which discharges into Day Creek, which flows into Reach 3 of the Santa Ana River.

The Regional Board has identified beneficial uses of the Santa Ana River, including its tributary, Day Creek, and established water quality standards for it in the "Water Quality Control Plan for the Santa Ana River Basin (Region 8)," generally referred to as the Basin Plan. *See* http://www.swrcb.ca.gov/rwqcb8/water_issues/programs/basin_plan/index.shtml. The beneficial uses of these waters include, among others, municipal and domestic supply, groundwater recharge, water contact recreation, non-contact water recreation, cold freshwater habitat, wildlife habitat, agricultural supply, warm freshwater habitat, and rare, threatened or endangered species.

The non-contact water recreation use is defined as "[u]ses of water for recreational activities involving proximity to water, but not normally involving contact with water where water ingestion is reasonably possible. These uses include, but are not limited to, picnicking,

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0057-DWQ. The new permit, however, does not go into effect until July 1, 2015. Until that time, the current General Permit remains in full force and effect.

sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities." *Id.* at 3-3. Contact recreation use includes fishing and wading. *Id.* at 3-2. Visible pollution, including visible sheens and cloudy or muddy water from industrial areas, impairs people's use of the Santa Ana River for contact and non-contact water recreation.

The Basin Plan includes a narrative toxicity standard which states that "[t]oxic substances shall not be discharged at levels that will bioaccumulate in aquatic resources to levels which are harmful to human health." *Id.* at 4-17. The Basin Plan includes a narrative oil and grease standard which states that "[w]aste discharges shall not result in deposition of oil, grease, wax, or other material in concentrations which result in a visible film or in coating objects in the water, or which cause a nuisance or adversely affect beneficial uses." *Id.* at 4-15. The Basin Plan includes a narrative suspended and settleable solids standard which states that "waters shall not contain suspended or settleable solids in amounts which cause a nuisance or adversely affect beneficial uses..." *Id.* at 4-16. The Basin Plan provides that "[t]he pH of inland surface waters shall not be raised above 8.5 or depressed below 6.5..." *Id.* at 4-15. The Basin Plan contains a narrative floatables standard which states that '[w]aste discharges shall not contain floating materials, including solids, liquids, foam or scum, which cause a nuisance or adversely affect beneficial uses." *Id.* at 4-11. The Basin Plan contains a narrative color standard which states that "[w]aste discharges shall not result in coloration of the receiving waters which causes a nuisance or adversely affect beneficial uses." *Id.* at 4-10.

The Basin Plan also sets out numeric water quality standards for Reach 3 of the Santa Ana River, and includes Site Specific Objective ("SSOs") of 0.0017 mg/L for cadmium, 0.0182 mg/L for copper, and 0.0041 mg/L for lead.[2] *Id.* at 4-14.

The EPA has adopted the freshwater numeric water quality standards (Criteria Maximum Concentrations – "CMCs") of 0.0043 mg/L for cadmium, 0.013 mg/L for copper, 0.065 mg/L for lead, and 0.120 mg/L for zinc. 65 Fed.Reg. 31712 (May 18, 2000) (California Toxics Rule).[3]

The 2008-2010 EPA 303(d) List of Water Quality Limited Segments lists Reach 3 of the Santa Ana River – the water into which the Facility's storm water is discharged – as impaired for copper. *See* http://www.waterboards.ca.gov/centralvalley/water_issues/tmdl/impaired_waters_list/2008_2010_usepa_303dlist/20082010_usepa_aprvd_303dlist.pdf. In October 2011, EPA added additional waters to the 303(d) list, including the addition of Reach 3 of the Santa Ana River as impaired for lead. See http://www.epa.gov/region9/water/tmdl/303d-pdf/Final-DecisLtrEnclosResponsSumCA2008-10-303d.pdf.

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[2] The SSO values are expressed as a function of total hardness (mg/L) in the water body, and correspond to a total hardness of 200 mg/L as indicated in the Basin Plan.

[3] The benchmark values for copper and zinc are expressed as a function of total hardness (mg/L) in the water body and correspond to a total hardness of 100 mg/L, which is the default listing in the California Toxics Rule.

The EPA has published benchmark levels as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite best available technology economically achievable ("BAT") and best conventional pollutant control technology ("BCT").[4] The following benchmarks have been established for pollutants discharged by Tamco: pH – 6.0 - 9.0 standard units ("s.u."); total suspended solids ("TSS") – 100 mg/L, oil and grease ("O&G") – 15 mg/L, aluminum – 0.75 mg/L, cadmium – 0.0159 mg/L, copper – 0.0156 mg/L, iron – 1.0 mg/L, lead – 0.0816 mg/L, manganese – 1.0 mg/L, and zinc – 0.13 mg/L.[5]

II. Alleged Violations of the NPDES Permit.

A. Discharges in Violation of the Permit

Tamco has violated and continues to violate the terms and conditions of the General Permit. Section 402(p) of the Act prohibits the discharge of storm water associated with industrial activities, except as permitted under an NPDES permit (33 U.S.C. § 1342) such as the General Permit. The General Permit prohibits any discharges of storm water associated with industrial activities or authorized non-storm water discharges that have not been subjected to BAT or BCT. Effluent Limitation B(3) of the General Permit requires dischargers to reduce or prevent pollutants in their storm water discharges through implementation of BAT for toxic and nonconventional pollutants and BCT for conventional pollutants. BAT and BCT include both nonstructural and structural measures. General Permit, Section A(8). Conventional pollutants are TSS, O&G, pH, biochemical oxygen demand, and fecal coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional. *Id.*; 40 C.F.R. § 401.15.

In addition, Discharge Prohibition A(1) of the General Permit prohibits the discharge of materials other than storm water (defined as non-storm water discharges) that discharge either directly or indirectly to waters of the United States. Discharge Prohibition A(2) of the General Permit prohibits storm water discharges and authorized non-storm water discharges that cause or threaten to cause pollution, contamination, or nuisance.

Receiving Water Limitation C(1) of the General Permit prohibits storm water discharges and authorized non-storm water discharges to surface or groundwater that adversely impact human health or the environment. Receiving Water Limitation C(2) of the General Permit also prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of any applicable water quality standards contained in a Statewide Water Quality Control Plan or the applicable Regional Board's Basin Plan. The General Permit does not authorize the application of any mixing zones for complying with Receiving Water

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[4] The Benchmark Values can be found at:
http://www.epa.gov/npdes/pubs/msgp2008_finalpermit.pdf and
http://cwea.org/p3s/documents/multi-sectorrev.pdf (Last accessed on October 7, 2014).

[5] The values for copper and zinc are hardness-dependent. The values listed here are based on a hardness range of 100 – 125 mg/L $CaCO_3$, which is the default listing in the California Toxics Rule.

Limitation C(2). As a result, compliance with this provision is measured at the Facility's discharge monitoring locations.

Tamco has discharged and continues to discharge storm water with unacceptable levels of pH, TSS, aluminum, copper, iron, lead, manganese, zinc, and other pollutants in violation of the General Permit. Tamco's sampling and analysis results reported to the Regional Board confirm discharges of specific pollutants and materials other than storm water in violation of the Permit provisions listed above. Self-monitoring reports under the Permit are deemed "conclusive evidence of an exceedance of a permit limitation." *Sierra Club v. Union Oil*, 813 F.2d 1480, 1492 (9th Cir. 1988).

The following discharges of pollutants from the Facility have contained concentrations of pollutants in excess of numeric water quality standards established in the Basin Plan and the California Toxics Rule as well as narrative water quality standards in the Basin Plan and have thus violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) and are evidence of ongoing violations of Effluent Limitation B(3) of the General Permit.

Date	Parameter	Observed Concentration / Conditions	Basin Plan Water Quality Standard / California Toxics Rule	Outfall (as identified by the Facility)
2/27/2014	pH	8.53 s.u.	6.5 – 8.5 s.u.	Outfall #3
12/18/2012	pH	8.88 s.u.	6.5 – 8.5 s.u.	South East Box Outfall #1
12/18/2012	pH	8.76 s.u.	6.5 – 8.5 s.u.	Channel Weir Outfall #2
12/18/2012	pH	9.39 s.u.	6.5 – 8.5 s.u.	West Trench Outfall #3
10/11/2012	pH	9.91 s.u.	6.5 – 8.5 s.u.	South East Box Outfall #1
10/11/2012	pH	9.82 s.u.	6.5 – 8.5 s.u.	Channel Weir Outfall #2
10/11/2012	pH	9.96 s.u.	6.5 – 8.5 s.u.	West Trench Outfall #3
12/12/2011	pH	9.19 s.u.	6.5 – 8.5 s.u.	East Outfall #1
12/17/2010	pH	8.55 s.u.	6.5 – 8.5 s.u.	Outfall #3
12/17/2010	pH	8.71 s.u.	6.5 – 8.5 s.u.	Arrow Rte
3/21/2011	pH	9.37 s.u.	6.5 – 8.5 s.u.	Ameron East
1/18/2010	pH	8.57 s.u.	6.5 – 8.5 s.u.	East Outfall #1
1/18/2010	pH	8.78 s.u.	6.5 – 8.5 s.u.	South-East Outfall #2
1/18/2010	pH	8.76 s.u.	6.5 – 8.5 s.u.	Pond Outfall #3
12/7/2009	pH	8.65 s.u.	6.5 – 8.5 s.u.	East Outfall #1
10/14/2009	pH	8.65 s.u.	6.5 – 8.5 s.u.	East Outfall #1

12/18/2012	Cadmium	0.012 mg/L	0.0017 mg/L (SSO) / 0.0043 mg/L (CMC)	South East Box Outfall #1
10/11/2012	Cadmium	0.011 mg/L	0.0017 mg/L (SSO) / 0.0043 mg/L (CMC)	Channel Weir Outfall #2
2/27/2014	Copper	0.077 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	Outfall #1
2/27/2014	Copper	0.122 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	Outfall #2
2/27/2014	Copper	0.045 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	Outfall #3
2/6/2014	Copper	0.096 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	Outfall #1
12/19/2013	Copper	0.113 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	Outfall #1
11/21/2013	Copper	0.133 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	Outfall #1
11/21/2013	Copper	0.071 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	Outfall #2
12/18/2012	Copper	0.563 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	South East Box Outfall #1
12/18/2012	Copper	0.061 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	Channel Weir Outfall #2
12/18/2012	Copper	0.129 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	West Trench Outfall #3
10/11/2012	Copper	0.233 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	South East Box Outfall #1
10/11/2012	Copper	0.296 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	Channel Weir Outfall #2
10/11/2012	Copper	0.146 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	West Trench Outfall #3
12/12/2011	Copper	0.359 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	East Outfall #1
12/12/2011	Copper	0.068 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	South-East Outfall #2
12/12/2011	Copper	0.15 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	West Oufall #3
10/5/2011	Copper	0.45 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	East Outfall #1
10/5/2011	Copper	0.442 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	South-East Outfall #2
10/5/2011	Copper	0.225 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	West Outfall #3
10/6/2010	Copper	0.214 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	Outfall #1

ATTCHMENT A

Rain Dates, Tamco, Rancho Cucamonga, California

11/28/2009
12/7/2009
12/12/2009
12/13/2009
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4/25/2014
8/20/2014

SERVICE LIST – via certified mail

Gina McCarthy, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Thomas Howard, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Eric Holder, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Citizen Suit Coordinator
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Law and Policy Section
P.O. Box 7415
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Jared Blumenfeld, Regional Administrator
U.S. EPA – Region 9
75 Hawthorne Street
San Francisco, CA, 94105

Kurt V. Berchtold, Executive Officer
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3348

12/17/2010	Copper	0.054 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	Outfall #1
12/17/2010	Copper	0.034 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	Outfall #2
12/17/2010	Copper	0.091 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	Ameron East
12/17/2010	Copper	0.074 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	Outfall #3
12/17/2010	Copper	0.102 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	Arrow Rte
3/21/2011	Copper	0.076 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	Outfall #1
3/21/2011	Copper	0.02 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	Outfall #2
3/21/2011	Copper	0.036 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	Outfall #3
3/21/2011	Copper	0.038 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	Arrow Rte
1/18/2010	Copper	0.117 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	East Outfall #1
1/18/2010	Copper	0.198 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	South-East Outfall #2
1/18/2010	Copper	0.105 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	Pond Outfall #3
12/7/2009	Copper	0.136 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	East Outfall #1
12/7/2009	Copper	0.09 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	South-East Outfall #2
10/14/2009	Copper	0.302 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	East Outfall #1
10/14/2009	Copper	0.11 mg/L	0.0182 mg/L (SSO) / 0.013 mg/L (CMC)	South-East Outfall #2
2/27/2014	Lead	0.049 mg/L	0.0041 mg/L (SSO)	Outfall #1
2/27/2014	Lead	0.07 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	Outfall #2
2/27/2014	Lead	0.032 mg/L	0.0041 mg/L (SSO)	Outfall #3
2/6/2014	Lead	0.027 mg/L	0.0041 mg/L (SSO)	Outfall #1
12/19/2013	Lead	0.037 mg/L	0.0041 mg/L (SSO)	Outfall #1
11/21/2013	Lead	0.096 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	Outfall #1
11/21/2013	Lead	0.031 mg/L	0.0041 mg/L (SSO)	Outfall #2
12/18/2012	Lead	0.382 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	South East Box Outfall #1

12/18/2012	Lead	0.248 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	West Trench Outfall #3
10/11/2012	Lead	0.266 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	South East Box Outfall #1
10/11/2012	Lead	0.314 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	Channel Weir Outfall #2
10/11/2012	Lead	0.195 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	West Trench Outfall #3
12/12/2011	Lead	0.27 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	East Outfall #1
12/12/2011	Lead	0.023 mg/L	0.0041 mg/L (SSO)	South-East Outfall #2
12/12/2011	Lead	0.154 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	West Outfall #3
10/5/2011	Lead	0.33 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	East Outfall #1
10/5/2011	Lead	0.36 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	South-East Outfall #2
10/5/2011	Lead	0.277 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	West Outfall #3
10/6/2010	Lead	0.087 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	Outfall #1
12/17/2010	Lead	0.036 mg/L	0.0041 mg/L (SSO)	Outfall #1
12/17/2010	Lead	0.019 mg/L	0.0041 mg/L (SSO)	Outfall #2
12/17/2010	Lead	0.067 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	Ameron East
12/17/2010	Lead	0.083 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	Outfall #3
12/17/2010	Lead	0.079 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	Arrow Rte
3/21/2011	Lead	0.07 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	Outfall #1
3/21/2011	Lead	0.019 mg/L	0.0041 mg/L (SSO)	Outfall #2
3/21/2011	Lead	0.052 mg/L	0.0041 mg/L (SSO)	Outfall #3
3/21/2011	Lead	0.03 mg/L	0.0041 mg/L (SSO)	Arrow Rte
1/18/2010	Lead	0.095 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	East Outfall #1
1/18/2010	Lead	0.154 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	South-East Outfall #2
1/18/2010	Lead	0.155 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	Pond Outfall #3
12/7/2009	Lead	0.092 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	East Outfall #1

12/7/2009	Lead	0.01 mg/L	0.0041 mg/L (SSO)	South-East Outfall #2
10/14/2009	Lead	0.198 mg/L	0.0041 mg/L (SSO) / 0.065 mg/L (CMC)	East Outfall #1
10/14/2009	Lead	0.033 mg/L	0.0041 mg/L (SSO)	South-East Outfall #2
2/27/2014	Zinc	0.81 mg/L	0.12 mg/L (CMC)	Outfall #1
2/27/2014	Zinc	0.852 mg/L	0.12 mg/L (CMC)	Outfall #2
2/27/2014	Zinc	0.232 mg/L	0.12 mg/L (CMC)	Outfall #3
2/6/2014	Zinc	1.42 mg/L	0.12 mg/L (CMC)	Outfall #1
12/19/2013	Zinc	1.37 mg/L	0.12 mg/L (CMC)	Outfall #1
11/21/2013	Zinc	1.23 mg/L	0.12 mg/L (CMC)	Outfall #1
11/21/2013	Zinc	0.226 mg/L	0.12 mg/L (CMC)	Outfall #2
12/18/2012	Zinc	3.32 mg/L	0.12 mg/L (CMC)	South East Box Outfall #1
12/18/2012	Zinc	0.348 mg/L	0.12 mg/L (CMC)	Channel Weir Outfall #2
12/18/2012	Zinc	1.22 mg/L	0.12 mg/L (CMC)	West Trench Outfall #3
10/11/2012	Zinc	2.25 mg/L	0.12 mg/L (CMC)	South East Box Outfall #1
10/11/2012	Zinc	3.17 mg/L	0.12 mg/L (CMC)	Channel Weir Outfall #2
10/11/2012	Zinc	1.12 mg/L	0.12 mg/L (CMC)	West Trench Outfall #3
12/12/2011	Zinc	2.28 mg/L	0.12 mg/L (CMC)	East Outfall #1
12/12/2011	Zinc	0.317 mg/L	0.12 mg/L (CMC)	South-East Outfall #2
12/12/2011	Zinc	1.08 mg/L	0.12 mg/L (CMC)	West Outfall #3
10/5/2011	Zinc	2.48 mg/L	0.12 mg/L (CMC)	East Outfall #1
10/5/2011	Zinc	2.76 mg/L	0.12 mg/L (CMC)	South-East Outfall #2
10/5/2011	Zinc	2.35 mg/L	0.12 mg/L (CMC)	West Outfall #3
10/6/2010	Zinc	1.95 mg/L	0.12 mg/L (CMC)	Outfall #1
12/17/2010	Zinc	0.406 mg/L	0.12 mg/L (CMC)	Outfall #1
12/17/2010	Zinc	0.442 mg/L	0.12 mg/L (CMC)	Outfall #2
12/17/2010	Zinc	0.537 mg/L	0.12 mg/L (CMC)	Ameron East
12/17/2010	Zinc	0.835 mg/L	0.12 mg/L (CMC)	Arrow Rte
12/17/2010	Zinc	0.612 mg/L	0.12 mg/L (CMC)	Outfall #1
3/21/2011	Zinc	0.859 mg/L	0.12 mg/L (CMC)	Outfall #2
3/21/2011	Zinc	0.422 mg/L	0.12 mg/L (CMC)	Outfall #3
3/21/2011	Zinc	0.626 mg/L	0.12 mg/L (CMC)	Arrow Rte
3/21/2011	Zinc	0.374 mg/L	0.12 mg/L (CMC)	Ameron East

1/18/2010	Zinc	0.814 mg/L	0.12 mg/L (CMC)	East Outfall #1
1/18/2010	Zinc	1.08 mg/L	0.12 mg/L (CMC)	South-East Outfall #2
1/18/2010	Zinc	1.62 mg/L	0.12 mg/L (CMC)	Pond Outfall #3
12/7/2009	Zinc	1.08 mg/L	0.12 mg/L (CMC)	East Outfall #1
12/7/2009	Zinc	0.147 mg/L	0.12 mg/L (CMC)	South-East Outfall #2
10/14/2009	Zinc	2.21 mg/L	0.12 mg/L (CMC)	East Outfall #1
10/14/2009	Zinc	2.08 mg/L	0.12 mg/L (CMC)	South-East Outfall #2
12/18/2012	Narrative	Turbid/Cloudy	Basin Plan at 4-16	South East Box Outfall #1
10/11/2012	Narrative	Turbid/Cloudy	Basin Plan at 4-16	South East Box Outfall #1
12/12/2011	Narrative	Cloudy/Oil Sheen	Basin Plan at 4-15; Basin Plan at 4-16	East Outfall #1
10/5/2011	Narrative	Cloudy/Oil Sheen	Basin Plan at 4-15; Basin Plan at 4-16	East Outfall #1
12/17/2010	Narrative	Oil Sheen	Basin Plan at 4-15	Outfall #1
12/7/2009	Narrative	Debris	Basin Plan at 4-11	South-East Outfall #2
10/14/2009	Narrative	Turbid/Debris	Basin Plan at 4-11; Basin Plan at 4-16	East Outfall #1
10/14/2009	Narrative	Turbid/Debris	Basin Plan at 4-11; Basin Plan at 4-16	South-East Outfall #2

The information in the above table reflects data gathered from Tamco's self-monitoring during the 2009-2010, 2010-2011, 2011-2012, 2012-2013, and 2013-2014 wet seasons. CCAEJ alleges that during each of those wet seasons and continuing through today, Tamco has discharged storm water contaminated with pollutants at levels or observations that exceed or violate one or more applicable water quality standards, including but not limited to each of the following:

- pH – 6.5 – 8.5 s.u. (Basin Plan)
- Cadmium – 0.0017 mg/L (SSO)
- Cadmium – 0.0043 mg/L (CMC)
- Copper – 0.0182 mg/L (SSO)
- Copper – 0.013 mg/L (CMC)
- Lead – 0.0041 mg/L (SSO)
- Lead – 0.065 mg/L (CMC)
- Zinc – 0.12 mg/L (CMC)
- Floatables – Waste discharges shall not contain floating materials, including solids, liquids, foam or scum, which cause a nuisance or adversely affect beneficial uses. (Basin Plan at 4-11)

- Suspended and Settleable Solids – Waters shall not contain suspended or settleable solids in amounts which cause a nuisance or adversely affect beneficial uses. (Basin Plan at 4-16)
- Oil and Grease – Waste discharges shall not result in deposition of oil, grease, wax, or other material in concentrations which result in a visible film or in coating objects in the water, or which cause a nuisance or adversely affect beneficial uses. (Basin Plan at 4-15)

The following discharges of pollutants from the Facility have violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) and are evidence of ongoing violations of Effluent Limitation B(3) of the General Permit.

Date	Parameter	Observed Concentration	EPA Benchmark Value	Location (as identified by the Facility)
2/27/2014	Total Suspended Solids	184 mg/L	100 mg/L	Outfall #1
2/27/2014	Zinc	0.81 mg/L	0.13 mg/L	Outfall #1
2/27/2014	Iron	4.3 mg/L	1.0 mg/L	Outfall #1
2/27/2014	Aluminum	2.68 mg/L	0.75 mg/L	Outfall #1
2/27/2014	Copper	0.077 mg/L	0.0156 mg/L	Outfall #1
2/27/2014	Zinc	0.852 mg/L	0.13 mg/L	Outfall #2
2/27/2014	Iron	4.65 mg/L	1.0 mg/L	Outfall #2
2/27/2014	Aluminum	2.18 mg/L	0.75 mg/L	Outfall #2
2/27/2014	Copper	0.122 mg/L	0.0156 mg/L	Outfall #2
2/27/2014	Total Suspended Solids	103 mg/L	100 mg/L	Outfall #3
2/27/2014	Iron	2.1 mg/L	1.0 mg/L	Outfall #3
2/27/2014	Aluminum	2.07 mg/L	0.75 mg/L	Outfall #3
2/27/2014	Copper	0.045 mg/L	0.0156 mg/L	Outfall #3
2/6/2014	Total Suspended Solids	164 mg/L	100 mg/L	Outfall #1
2/6/2014	Zinc	1.42 mg/L	0.13 mg/L	Outfall #1
2/6/2014	Iron	3 mg/L	1.0 mg/L	Outfall #1
2/6/2014	Aluminum	1.71 mg/L	0.75 mg/L	Outfall #1
2/6/2014	Copper	0.096 mg/L	0.0156 mg/L	Outfall #1
12/19/2013	Zinc	1.37 mg/L	0.13 mg/L	Outfall #1
12/19/2013	Iron	4.34 mg/L	1.0 mg/L	Outfall #1
12/19/2013	Aluminum	2.79 mg/L	0.75 mg/L	Outfall #1
12/19/2013	Copper	0.113 mg/L	0.0156 mg/L	Outfall #1
11/21/2013	Total Suspended Solids	277 mg/L	100 mg/L	Outfall #1
11/21/2013	Lead	0.096 mg/L	0.0816 mg/L	Outfall #1
11/21/2013	Zinc	1.23 mg/L	0.13 mg/L	Outfall #1
11/21/2013	Iron	8.42 mg/L	1.0 mg/L	Outfall #1
11/21/2013	Aluminum	7.15 mg/L	0.75 mg/L	Outfall #1
11/21/2013	Copper	0.133 mg/L	0.0156 mg/L	Outfall #1
11/21/2013	Manganese	1.55 mg/L	1.0 mg/L	Outfall #1

11/21/2013	Zinc	0.226 mg/L	0.13 mg/L	Outfall #2
11/21/2013	Iron	2.34 mg/L	1.0 mg/L	Outfall #2
11/21/2013	Aluminum	1.35 mg/L	0.75 mg/L	Outfall #2
11/21/2013	Copper	0.071 mg/L	0.0156 mg/L	Outfall #2
12/18/2012	Total Suspended Solids	1500 mg/L	100 mg/L	South East Box Outfall #1
12/18/2012	Lead	0.382 mg/L	0.0816 mg/L	South East Box Outfall #1
12/18/2012	Zinc	3.32 mg/L	0.13 mg/L	South East Box Outfall #1
12/18/2012	Iron	10.6 mg/L	1.0 mg/L	South East Box Outfall #1
12/18/2012	Aluminum	21.6 mg/L	0.75 mg/L	South East Box Outfall #1
12/18/2012	Copper	0.563 mg/L	0.0156 mg/L	South East Box Outfall #1
12/18/2012	Manganese	5.69 mg/L	1.0 mg/L	South East Box Outfall #1
12/18/2012	Zinc	0.348 mg/L	0.13 mg/L	Channel Weir Outfall #2
12/18/2012	Iron	2.96 mg/L	1.0 mg/L	Channel Weir Outfall #2
12/18/2012	Aluminum	1.48 mg/L	0.75 mg/L	Channel Weir Outfall #2
12/18/2012	Copper	0.061 mg/L	0.0156 mg/L	Channel Weir Outfall #2
12/18/2012	pH	9.39 mg/L	6.0 – 9.0 s.u	West Trench Outfall #3
12/18/2012	Total Suspended Solids	615 mg/L	100 mg/L	West Trench Outfall #3
12/18/2012	Lead	0.248 mg/L	0.0816 mg/L	West Trench Outfall #3
12/18/2012	Zinc	1.22 mg/L	0.13 mg/L	West Trench Outfall #3
12/18/2012	Iron	5.27 mg/L	1.0 mg/L	West Trench Outfall #3
12/18/2012	Aluminum	7.31 mg/L	0.75 mg/L	West Trench Outfall #3
12/18/2012	Copper	0.129 mg/L	0.0156 mg/L	West Trench Outfall #3
10/11/2012	pH	9.91 mg/L	6.0 – 9.0 s.u	South East Box Outfall #1
10/11/2012	Total Suspended Solids	1,020 mg/L	100 mg/L	South East Box Outfall #1
10/11/2012	Lead	0.266 mg/L	0.0816 mg/L	South East Box Outfall #1
10/11/2012	Zinc	2.25 mg/L	0.13 mg/L	South East Box Outfall #1
10/11/2012	Iron	8.56 mg/L	1.0 mg/L	South East Box Outfall #1
10/11/2012	Aluminum	9.25 mg/L	0.75 mg/L	South East Box Outfall #1
10/11/2012	Copper	0.233 mg/L	0.0156 mg/L	South East Box Outfall #1

10/11/2012	Manganese	2.79 mg/L	1.0 mg/L	South East Box Outfall #1
10/11/2012	pH	9.82 mg/L	6.0 – 9.0 s.u	Channel Weir Outfall #2
10/11/2012	Total Suspended Solids	1,060 mg/L	100 mg/L	Channel Weir Outfall #2
10/11/2012	Lead	0.314 mg/L	0.0816 mg/L	Channel Weir Outfall #2
10/11/2012	Zinc	3.17 mg/L	0.13 mg/L	Channel Weir Outfall #2
10/11/2012	Iron	8.16 mg/L	1.0 mg/L	Channel Weir Outfall #2
10/11/2012	Aluminum	7.7 mg/L	0.75 mg/L	Channel Weir Outfall #2
10/11/2012	Copper	0.296 mg/L	0.0156 mg/L	Channel Weir Outfall #2
10/11/2012	Manganese	2.32 mg/L	1.0 mg/L	Channel Weir Outfall #2
10/11/2012	pH	9.96 mg/L	6.0 – 9.0 s.u	West Trench Outfall #3
10/11/2012	Total Suspended Solids	386 mg/L	100 mg/L	West Trench Outfall #3
10/11/2012	Lead	0.195 mg/L	0.0816 mg/L	West Trench Outfall #3
10/11/2012	Zinc	1.12 mg/L	0.13 mg/L	West Trench Outfall #3
10/11/2012	Iron	4.54 mg/L	1.0 mg/L	West Trench Outfall #3
10/11/2012	Aluminum	5.75 mg/L	0.75 mg/L	West Trench Outfall #3
10/11/2012	Copper	0.146 mg/L	0.0156 mg/L	West Trench Outfall #3
10/11/2012	Manganese	1.19 mg/L	1.0 mg/L	West Trench Outfall #3
12/12/2011	pH	9.19 mg/L	6.0 – 9.0 s.u	East Outfall #1
12/12/2011	Total Suspended Solids	3,210 mg/L	100 mg/L	East Outfall #1
12/12/2011	Lead	0.27 mg/L	0.0816 mg/L	East Outfall #1
12/12/2011	Zinc	2.28 mg/L	0.13 mg/L	East Outfall #1
12/12/2011	Iron	19.3 mg/L	1.0 mg/L	East Outfall #1
12/12/2011	Aluminum	23.9 mg/L	0.75 mg/L	East Outfall #1
12/12/2011	Copper	0.359 mg/L	0.0156 mg/L	East Outfall #1
12/12/2011	Manganese	5.49 mg/L	1.0 mg/L	East Outfall #1
12/12/2011	Zinc	0.317 mg/L	0.13 mg/L	South-East Outfall #2
12/12/2011	Iron	1.61 mg/L	1.0 mg/L	South-East Outfall #2
12/12/2011	Copper	0.068 mg/L	0.0156 mg/L	South-East Outfall #2
12/12/2011	Total Suspended Solids	618 mg/L	100 mg/L	West Outfall #3
12/12/2011	Lead	0.154 mg/L	0.0816 mg/L	West Outfall #3
12/12/2011	Zinc	1.08 mg/L	0.13 mg/L	West Outfall #3
12/12/2011	Iron	8.1 mg/L	1.0 mg/L	West Outfall #3
12/12/2011	Aluminum	7.75 mg/L	0.75 mg/L	West Outfall #3
12/12/2011	Copper	0.15 mg/L	0.0156 mg/L	West Outfall #3
12/12/2011	Manganese	1.27 mg/L	1.0 mg/L	West Outfall #3
10/5/2011	Total Suspended Solids	384 mg/L	100 mg/L	East Outfall #1
10/5/2011	Lead	0.33 mg/L	0.0816 mg/L	East Outfall #1
10/5/2011	Zinc	2.48 mg/L	0.13 mg/L	East Outfall #1
10/5/2011	Iron	94.1 mg/L	1.0 mg/L	East Outfall #1
10/5/2011	Aluminum	35.9 mg/L	0.75 mg/L	East Outfall #1
10/5/2011	Copper	0.45 mg/L	0.0156 mg/L	East Outfall #1
10/5/2011	Manganese	8.78 mg/L	1.0 mg/L	East Outfall #1

10/5/2011	Total Suspended Solids	764 mg/L	100 mg/L	South-East Outfall #2
10/5/2011	Lead	0.36 mg/L	0.0816 mg/L	South-East Outfall #2
10/5/2011	Zinc	2.76 mg/L	0.13 mg/L	South-East Outfall #2
10/5/2011	Iron	63.3 mg/L	1.0 mg/L	South-East Outfall #2
10/5/2011	Aluminum	26.8 mg/L	0.75 mg/L	South-East Outfall #2
10/5/2011	Copper	0.442 mg/L	0.0156 mg/L	South-East Outfall #2
10/5/2011	Manganese	5.39 mg/L	1.0 mg/L	South-East Outfall #2
10/5/2011	Total Suspended Solids	250 mg/L	100 mg/L	West Outfall #3
10/5/2011	Lead	0.277 mg/L	0.0816 mg/L	West Outfall #3
10/5/2011	Zinc	2.35 mg/L	0.13 mg/L	West Outfall #3
10/5/2011	Iron	24.8 mg/L	1.0 mg/L	West Outfall #3
10/5/2011	Aluminum	6.51 mg/L	0.75 mg/L	West Outfall #3
10/5/2011	Copper	0.225 mg/L	0.0156 mg/L	West Outfall #3
10/5/2011	Manganese	1.19 mg/L	1.0 mg/L	West Outfall #3
10/6/2010	Total Suspended Solids	439 mg/L	100 mg/L	Outfall #1
10/6/2010	Lead	0.087 mg/L	0.0816 mg/L	Outfall #1
10/6/2010	Zinc	1.95 mg/L	0.13 mg/L	Outfall #1
10/6/2010	Iron	5.76 mg/L	1.0 mg/L	Outfall #1
10/6/2010	Aluminum	4.26 mg/L	0.75 mg/L	Outfall #1
10/6/2010	Copper	0.214 mg/L	0.0156 mg/L	Outfall #1
10/6/2010	Manganese	1.15 mg/L	1.0 mg/L	Outfall #1
12/17/2010	Total Suspended Solids	219 mg/L	100 mg/L	Outfall #1
12/17/2010	Lead	0.087 mg/L	0.0816 mg/L	Outfall #1
12/17/2010	Zinc	0.406 mg/L	0.13 mg/L	Outfall #1
12/17/2010	Iron	5.31 mg/L	1.0 mg/L	Outfall #1
12/17/2010	Aluminum	2.63 mg/L	0.75 mg/L	Outfall #1
12/17/2010	Copper	0.054 mg/L	0.0156 mg/L	Outfall #1
12/17/2010	Zinc	0.442 mg/L	0.13 mg/L	Outfall #2
12/17/2010	Copper	0.034 mg/L	0.0156 mg/L	Outfall #2
12/17/2010	Total Suspended Solids	504 mg/L	100 mg/L	Ameron East
12/17/2010	Zinc	0.537 mg/L	0.13 mg/L	Ameron East
12/17/2010	Iron	24.4 mg/L	1.0 mg/L	Ameron East
12/17/2010	Aluminum	5.23 mg/L	0.75 mg/L	Ameron East
12/17/2010	Copper	0.091 mg/L	0.0156 mg/L	Ameron East
12/17/2010	Manganese	1.57 mg/L	1.0 mg/L	Ameron East
12/17/2010	Total Suspended Solids	114 mg/L	100 mg/L	Outfall #3
12/17/2010	Lead	0.083 mg/L	0.0816 mg/L	Outfall #3
12/17/2010	Zinc	0.835 mg/L	0.13 mg/L	Outfall #3
12/17/2010	Iron	5.07 mg/L	1.0 mg/L	Outfall #3
12/17/2010	Aluminum	1.49 mg/L	0.75 mg/L	Outfall #3
12/17/2010	Copper	0.074 mg/L	0.0156 mg/L	Outfall #3
12/17/2010	Total Suspended Solids	279 mg/L	100 mg/L	Arrow Rte
12/17/2010	Zinc	0.612 mg/L	0.13 mg/L	Arrow Rte

12/17/2010	Iron	9.85 mg/L	1.0 mg/L	Arrow Rte
12/17/2010	Aluminum	8.35 mg/L	0.75 mg/L	Arrow Rte
12/17/2010	Copper	0.102 mg/L	0.0156 mg/L	Arrow Rte
12/17/2010	Manganese	2.18 mg/L	1.0 mg/L	Arrow Rte
3/21/2011	Total Suspended Solids	451 mg/L	100 mg/L	Outfall #1
3/21/2011	Zinc	0.859 mg/L	0.13 mg/L	Outfall #1
3/21/2011	Iron	5.81 mg/L	1.0 mg/L	Outfall #1
3/21/2011	Aluminum	3.17 mg/L	0.75 mg/L	Outfall #1
3/21/2011	Copper	0.076 mg/L	0.0156 mg/L	Outfall #1
3/21/2011	Manganese	1.25 mg/L	1.0 mg/L	Outfall #1
3/21/2011	Zinc	0.422 mg/L	0.13 mg/L	Outfall #2
3/21/2011	Iron	1.17 mg/L	1.0 mg/L	Outfall #2
3/21/2011	Copper	0.02 mg/L	0.0156 mg/L	Outfall #2
3/21/2011	Zinc	0.626 mg/L	0.13 mg/L	Outfall #3
3/21/2011	Iron	2.31 mg/L	1.0 mg/L	Outfall #3
3/21/2011	Copper	0.036 mg/L	0.0156 mg/L	Outfall #3
3/21/2011	Zinc	0.374 mg/L	0.13 mg/L	Arrow Rte
3/21/2011	Iron	2.48 mg/L	1.0 mg/L	Arrow Rte
3/21/2011	Aluminum	1.36 mg/L	0.75 mg/L	Arrow Rte
3/21/2011	Copper	0.038 mg/L	0.0156 mg/L	Arrow Rte
3/21/2011	pH	9.37 s.u.	6.0 – 9.0 s.u	Ameron East
1/18/2010	Total Suspended Solids	373 mg/L	100 mg/L	East Outfall #1
1/18/2010	Lead	0.095 mg/L	0.0816 mg/L	East Outfall #1
1/18/2010	Zinc	0.814 mg/L	0.13 mg/L	East Outfall #1
1/18/2010	Iron	8.93 mg/L	1.0 mg/L	East Outfall #1
1/18/2010	Aluminum	5.45 mg/L	0.75 mg/L	East Outfall #1
1/18/2010	Copper	0.117 mg/L	0.0156 mg/L	East Outfall #1
1/18/2010	Manganese	1.62 mg/L	1.0 mg/L	East Outfall #1
1/18/2010	Total Suspended Solids	470 mg/L	100 mg/L	South-East Outfall #2
1/18/2010	Lead	0.154 mg/L	0.0816 mg/L	South-East Outfall #2
1/18/2010	Zinc	1.08 mg/L	0.13 mg/L	South-East Outfall #2
1/18/2010	Iron	8.47 mg/L	1.0 mg/L	South-East Outfall #2
1/18/2010	Aluminum	6.3 mg/L	0.75 mg/L	South-East Outfall #2
1/18/2010	Copper	0.198 mg/L	0.0156 mg/L	South-East Outfall #2
1/18/2010	Manganese	1.54 mg/L	1.0 mg/L	South-East Outfall #2
1/18/2010	Total Suspended Solids	203 mg/L	100 mg/L	Pond Outfall #3
1/18/2010	Lead	0.155 mg/L	0.0816 mg/L	Pond Outfall #3
1/18/2010	Zinc	1.62 mg/L	0.13 mg/L	Pond Outfall #3
1/18/2010	Iron	6.52 mg/L	1.0 mg/L	Pond Outfall #3
1/18/2010	Aluminum	3.91 mg/L	0.75 mg/L	Pond Outfall #3
1/18/2010	Copper	0.105 mg/L	0.0156 mg/L	Pond Outfall #3
12/7/2009	Total Suspended Solids	343 mg/L	100 mg/L	East Outfall #1
12/7/2009	Lead	0.092 mg/L	0.0816 mg/L	East Outfall #1

12/7/2009	Zinc	1.08 mg/L	0.13 mg/L	East Outfall #1
12/7/2009	Iron	6.42 mg/L	1.0 mg/L	East Outfall #1
12/7/2009	Aluminum	5.56 mg/L	0.75 mg/L	East Outfall #1
12/7/2009	Copper	0.136 mg/L	0.0156 mg/L	East Outfall #1
12/7/2009	Manganese	1.27 mg/L	1.0 mg/L	East Outfall #1
12/7/2009	Zinc	0.147 mg/L	0.13 mg/L	South-East Outfall #2
12/7/2009	Copper	0.09 mg/L	0.0156 mg/L	South-East Outfall #2
10/14/2009	Total Suspended Solids	340 mg/L	100 mg/L	East Outfall #1
10/14/2009	Lead	0.198 mg/L	0.0816 mg/L	East Outfall #1
10/14/2009	Zinc	2.21 mg/L	0.13 mg/L	East Outfall #1
10/14/2009	Iron	8.04 mg/L	1.0 mg/L	East Outfall #1
10/14/2009	Aluminum	13.7 mg/L	0.75 mg/L	East Outfall #1
10/14/2009	Copper	0.302 mg/L	0.0156 mg/L	East Outfall #1
10/14/2009	Manganese	2.21 mg/L	1.0 mg/L	East Outfall #1
10/14/2009	Zinc	2.08 mg/L	0.13 mg/L	South-East Outfall
10/14/2009	Iron	1.61 mg/L	1.0 mg/L	South-East Outfall
10/14/2009	Aluminum	1.7 mg/L	0.75 mg/L	South-East Outfall
10/14/2009	Copper	0.11 mg/L	0.0156 mg/L	South-East Outfall

The information in the above table reflects data gathered from Tamco's self-monitoring during the 2009-2010, 2010-2011, 2011-2012, 2012-2013, and 2013-2014 wet seasons. CCAEJ alleges that during each of those rainy seasons and continuing through today, Tamco has discharged storm water contaminated with pollutants at levels that exceed one or more applicable EPA Benchmarks, including but not limited to each of the following:

- pH – 6.0 – 9.0 s.u.
- Total Suspended Solids – 100 mg/L
- Aluminum – 0.75 mg/L
- Copper – 0.0156 mg/L
- Iron – 1.0 mg/L
- Lead – 0.0816 mg/L
- Manganese – 1.0 mg/L
- Zinc – 0.13 mg/L

CCAEJ's investigation, including its review of Tamco's analytical results documenting pollutant levels in the Facility's storm water discharges well in excess of applicable water quality standards and the EPA's benchmark values indicates that Tamco has not implemented BAT and BCT at the Facility for its discharges of pH, TSS, aluminum, copper, iron, lead, manganese, zinc, and other pollutants in violation of Effluent Limitation B(3) of the General Permit. Tamco was required to have implemented BAT and BCT by no later than October 1, 1992, or since the date the Facility opened. Thus, Tamco is discharging polluted storm water associated with its industrial operations without having implemented BAT and BCT.

In addition, the numbers listed in the tables above indicate that the Facility is discharging polluted storm water in violation of Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the General Permit. CCAEJ alleges that such violations also have occurred and will occur on other rain dates, including every significant rain event that has occurred since October 8, 2009, and that will occur at the Facility subsequent to the date of this Notice of Violation and Intent to File Suit. Attachment A, attached hereto, sets forth each of the specific rain dates on which CCAEJ alleges that Tamco has discharged storm water containing impermissible levels of pH, TSS, aluminum, and zinc in violation of Effluent Limitation B(3), Discharge Prohibitions A(1) and A(2), and Receiving Water Limitations C(1) and C(2) of the General Permit.[6]

These unlawful discharges from the Facility are ongoing. Each discharge of storm water containing any of these pollutants constitutes a separate violation of the General Industrial Storm Water Permit and the Act. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Tamco is subject to penalties for violations of the General Permit and the Act since October 8, 2009.

B. Failure to Develop and Implement an Adequate Monitoring and Reporting Program

Section B of the General Permit describes the monitoring requirements for storm water and non-storm water discharges. Facilities are required to make monthly visual observations of storm water discharges (Section B(4)) and quarterly visual observations of both unauthorized and authorized non-storm water discharges (Section B(3)). Section B(5) requires facility operators to sample and analyze at least two storm water discharges from all storm water discharge locations during each wet season. Section B(7) requires that the visual observations and samples must represent the "quality and quantity of the facility's storm water discharges from the storm event."

The above-referenced data was obtained from the Facility's monitoring program as reported in its Annual Reports submitted to the Regional Board. This data is evidence that the Facility has violated various Discharge Prohibitions, Receiving Water Limitations, and Effluent Limitations in the General Permit. To the extent the storm water data collected by Tamco is not representative of the quality of the Facility's various storm water discharges and that the Facility failed to monitor all qualifying storm water discharges, CCAEJ, alleges that the Facility's monitoring program violates Sections B(3), (4), (5) and (7) of the General Permit.

The above violations are ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act,

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[6] The rain dates are all the days when an average of 0.1" or more rain fell as measured by a weather station located approximately 15.5 miles away from the Facility in Riverside. Data from the weather station is available at http://www.ipm.ucdavis.edu/calludt.cgi/WXDESCRIPTION ?STN=UC_RIVER.A (last accessed on October 8, 2014.)

Tamco is subject to penalties for violations of the General Permit and the Act's monitoring and sampling requirements since October 8, 2014.

C. Failure to Prepare, Implement, Review and Update an Adequate Storm Water Pollution Prevention Plan

Section A and Provision E(2) of the General Permit require dischargers of storm water associated with industrial activity to develop, implement, and update an adequate storm water pollution prevention plan ("SWPPP") no later than October 1, 1992. Section A(1) and Provision E(2) require dischargers who submitted an NOI pursuant to the General Permit to continue following their existing SWPPP and implement any necessary revisions to their SWPPP in a timely manner, but in any case, no later than August 1, 1997.

The SWPPP must, among other requirements, identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm and non-storm water discharges from the facility and identify and implement site-specific best management practices ("BMPs") to reduce or prevent pollutants associated with industrial activities in storm water and authorized non-storm water discharges (General Permit, Section A(2)). The SWPPP must include BMPs that achieve BAT and BCT (Effluent Limitation B(3)). The SWPPP must include: a description of individuals and their responsibilities for developing and implementing the SWPPP (General Permit, Section A(3)); a site map showing the facility boundaries, storm water drainage areas with flow pattern and nearby water bodies, the location of the storm water collection, conveyance and discharge system, structural control measures, impervious areas, areas of actual and potential pollutant contact, and areas of industrial activity (General Permit, Section A(4)); a list of significant materials handled and stored at the site (General Permit, Section A(5)); a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities, a description of significant spills and leaks, a list of all non-storm water discharges and their sources, and a description of locations where soil erosion may occur (General Permit, Section A(6)).

The SWPPP also must include an assessment of potential pollutant sources at the Facility and a description of the BMPs to be implemented at the Facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective (General Permit, Section A(7), (8)). The SWPPP must be evaluated to ensure effectiveness and must be revised where necessary (General Permit, Section A(9),(10)).

CCAEJ's investigation of the conditions at the Facility as well as Tamco's Annual Reports indicate that Tamco has been operating with an inadequately developed or implemented SWPPP in violation of the requirements set forth above. Tamco has failed to evaluate the effectiveness of its BMPs and to revise its SWPPP as necessary. Tamco has been in continuous violation of Section A and Provision E(2) of the General Permit every day since October 8, 2009, at the very latest, and will continue to be in violation every day that Tamco fails to prepare, implement, review, and update an effective SWPPP. Tamco is subject to penalties for violations of the General Permit and the Act occurring since October 8, 2009.

D. Failure to File True and Correct Annual Reports

Section B(14) of the General Permit requires dischargers to submit an Annual Report by July 1st of each year to the executive officer of the relevant Regional Board. The Annual Report must be signed and certified by an appropriate corporate officer. General Permit, Sections B(14), C(9), (10). Section A(9)(d) of the General Permit requires the discharger to include in their annual report an evaluation of their storm water controls, including certifying compliance with the General Permit. *See also* General Permit, Sections C(9) and (10) and B(14).

For the last five years, Tamco and its agents, James Crompton and Matthew Jalali, inaccurately certified in its Annual Reports that the Facility was in compliance with the General Permit. Consequently, Tamco has violated Sections A(9)(d), B(14) and C(9) & (10) of the General Permit every time Tamco failed to submit a complete or correct report and every time Tamco or its agents falsely purported to comply with the Act. Tamco is subject to penalties for violations of Section (C) of the General Permit and the Act occurring since at least July 1, 2010.

III. Persons Responsible for the Violations.

CCAEJ puts Tamco, James Crompton, and Giannina Espinoza on notice that they are the persons responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, CCAEJ puts Tamco on notice that it intends to include those persons in this action.

IV. Name and Address of Noticing Parties.

The name, address, and telephone number of CCAEJ is as follows:

Penny Newman
Executive Director
Center for Community Action and Environmental Justice
P.O. Box 33124
Jurupa Valley, CA 92519
Tel. (951) 360-8451

V. Counsel.

CCAEJ has retained counsel to represent it in this matter. Please direct all communications to:

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VI. Penalties.

Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation (40 C.F.R. § 19.4) each separate violation of the Act subjects Tamco to a penalty of up to $37,500 per day per violation. In addition to civil penalties, CCAEJ will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) and (d) (33 U.S.C. §1365(a) and (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Act (33 U.S.C. § 1365(d)), permits prevailing parties to recover costs and fees, including attorneys' fees.

CCAEJ believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. CCAEJ intends to file a citizen suit under Section 505(a) of the Act against Tamco and its agents for the above-referenced violations upon the expiration of the 60-day notice period. However, during the 60-day notice period, CCAEJ would be willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, CCAEJ suggests that you initiate those discussions within the next 20 days so that they may be completed before the end of the 60-day notice period. CCAEJ does not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,

Douglas J. Chermak
Lozeau Drury LLP
Attorneys for Center for Community Action and Environmental Justice

cc via first class mail: CSC – Lawyers Incorporating Service, Agent for Service of Process for Tamco (Entity Number C0708768), 2710 Gateway Oaks Dr., Ste. 150N, Sacramento, CA 95833